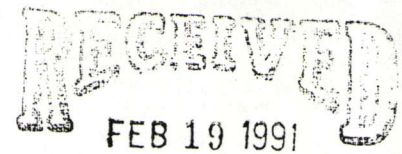


(last revised 10/19/90)



DIVISION OF
OIL, GAS & MINING

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
REQUEST FOR AGENCY ACTION

Division File Number: M/045/031

This **Request for Agency Action** is dated: February 14, 1991

Filed by: Richard W. White
Fee simple Land Owner and/or mining claim holder

Representing: individual and public safety interests in private and public lands, to wit: Petitioner owns Patented Mining Claims Western Pacific, Western Pacific No. 1, Western Pacific No. 2, Western Pacific No. 3, Western Pacific No. 4, which are designated by the Surveyor General as Survey No. 6328, embracing a portion of Sections 14 and 23, in Township 1 South, Range 10 West, Salt Lake Meridian, specifically United States Patent No. 648655 dated the 23rd day of September, 1918, recorded in county of Tooele, Utah, on the 28th day of April, 1926, in Book "3-G" of Mining Deeds, pages 413 and 414, together with Mill Site claims Aragonite #'s 1 through 8, which Petitioner holds under the jurisdiction of the U.S. Bureau of Land Management, Federal Land Policy and Management Act of 1976 Part §3800, Title 43 CFR.

THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THIS REQUEST FOR AGENCY ACTION IS BEING MADE IS: UTAH CODE UNANNOTATED 1990

VOLUME 2 Chapter 7 Section 40-8-7, et seq., in that Lon Thomas dba Thomas American Stone, a Utah corporation whose address is 4040 South 300 West, Murray, Utah.84107, has willfully evaded the Rules of the Mined Land Reclamation Act pursuant to Utah Code 40-8-9, specifically, R613-003-101 and/or R613-004-101, for failure to filing Notice of Operations; R613-003-107 and/or R613-004-07, for flagrant unlawful operations, specifically:

Pursuant to R613-004-07, #1.11, Thomas American Stone has left tunnels and shafts unguarded and open to the public

Pursuant to R613-004-07, #1.12, Thomas American Stone has disposed of trash, scrap metal and wood, and extraneous debris on public and private lands;

Pursuant to R613-004-07, #1.13, Thomas American Stone has failed to cap holes as set forth in Rule R613-004-108;

Pursuant to R613-004-07, #1.14, Thomas American Stone has failed to post appropriate warning signs to warn the public of dangerous areas;

Pursuant to R613-004-07, #1.15, Thomas American Stone has failed to construction of berms, fences or barriers above dangerous high walls and excavations that were caused by Thomas.

WHEREFORE, Petitioner respectfully requests relief from the division as follows:

1. The Board find that Lon Thomas dba Thomas American Stone has willfully evaded the Rules of the Mined Land Reclamation Act pursuant to Utah Code §40-8-9.

2. The Board find that Lon Thomas dba Thomas American Stone is responsible for reclamation of all lands negatively impacted by its operations.

3. The Board ORDER Lon Thomas dba Thomas American Stone to file a surety bond for the estimated cost for reclamation of all lands negatively impacted by Thomas American Stone operations.

4. The BOARD issue an ORDER directing Lon Thomas dba Thomas American Stone and its sub-contractors or agents, to cease and desist all operations at Aragonite, Utah, until all waste, junk and contaminated soil be disposed of in legal manner at a legal waste disposal facility and all all reclamation for which Thomas American Stone is responsible has been accomplished.

THE FACTUAL BASIS FOR SEEKING THE RELIEF SOUGHT IS: Lon Thomas, dba Thomas American Stone has owned the subject property since 1979. He sold it and leased it back in 1988. The terms of the lease agreement required Thomas to obtain all permits required by law.

Thomas is a professional miner with several pits operating in Utah and Idaho, and Thomas is fully informed of all mining law, but despite this, Thomas has steadfastly refused to provide Notice of Operations.

The Thomas mining operations at Aragonite are dangerous to the public, with ever expanding high walls immediately adjacent to a public road frequented by recreational users.

The Thomas American Stone mining operation at Aragonite continues to expand its operations, unnecessarily damaging and wasting public lands.

a) In 1990, some 20,000 tons of high grade calcium carbonate was wasted when it was mixed with country rock and pushed into heaps.

b) From 1988 to 1990, approximately 15 plus acres of previously virgin public lands were obliterated by Thomas forces.

c) In 1990, approximately 1 acres of public lands, immediately adjacent to a public road, were excavated by Thomas. The top soils were subsequently pushed down a native slope and into a seasonal creek, unnecessarily destroying all native plant life and causing future erosion.

d) In 1990, garbage, soil contaminating wastes and used tires were dumped on public lands by Thomas forces, unnecessarily wasting public lands. The Thomas American Stone mining operation at Aragonite uses its access to the these public lands as a waste dump for its other business activities.

PROOF OF SERVICE TO INTERESTED PARTIES IS ATTACHED HERETO.

DATED this 14th day of February, 1991.

----------

Richard Wilton White

MAILING CERTIFICATE

I hereby certify that on this 15 day of February, 1919, I caused a true and corret copy of the attached REQUEST FOR AGENCY ACTION to be deposited in the United States mail, postage prepaid, addressed to the following:

Lon Thomas dba Thomas American Stone
4040 South 300 West
Murray, Utah, 84107

Steve Brooks Geologist
Bureau of Land Management
2370 South 2300 West
Salt Lake City, Utah, 84119

Rod Thomson
Tooele County Development Services
47 South Main
Tooele, Utah, 84074

Anush Basii

ANUSH BASII